IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1602 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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G.S.R.T. CORPORATION - Appellant(s)
Versus
JAGIRSINGH SURENSINGH NANDA & 2 - Defendant(s)

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Appearance :
MR MG NAGARKAR for Appellant(s) : 1,
None for Defendant(s) : 1 - 2.
MR KF DALAL for Defendant(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 10/08/2006

ORAL JUDGMENT

1.0 By way of this appeal, the appellant has challenged the judgment and award of the Motor Accident Claims Tribunal (Aux.), Surendranagar passed in M.A.C.P. No. 279 of 1985 dated 29th September, 1989.

2.0 The brief facts of the case are that on 26.02.1985, when the present opponent No.1 was traveling in a bus owned by the present appellant

and driven by the present opponent No.2, the said bus met with an accident with a stationary truck insured by the present opponent No.3-Insurance Company. On account of the said accident, opponent No.1 received serious bodily injuries, and therefore, he filed a petition claiming an amount of Rs.1,00,000/- by way of compensation.

2.1 In the said petition, after hearing the parties, the Tribunal passed the judgment and award which is under challenge in this appeal.

3.0 Heard learned Counsel for the appellant as well as opponent No.3. Though, served none appears on behalf of the opponent Nos. 1 and 2. It was the case of the opponent No.1 before the Tribunal that on the day of incident when opponent No.2 tried to over-take a stationary truck lying on the side of the road, the bus dashed the said truck from behind. The said fact is not challenged by the appellant as well as opponent No.2. It may be noted that neither the

driver nor the owner of the said truck appeared before the Tribunal. Therefore, on the basis of the evidence of the opponent No.1, the Tribunal has rightly came to the conclusion that driver of the said bus as well as driver of the said truck were equally negligent, and hence, the opponent No.1 is entitled for compensation.

3.1 While considering the aspect of compensation, the Tribunal has taken into consideration the medical and other evidence available on record. Looking to the nature of injuries and disability sustained by the opponent No.1, the period of hospitalization and considering the fact that he was earning Rs.1,200/- per month, the compensation awarded by the Tribunal, in my opinion, is just and reasonable. No case has been made out by the appellant for reduction of the amount of compensation. I am, therefore, in complete agreement with the reasonings given and the findings arrived at by the Tribunal and, hence,

do not find any reason to interfere in this appeal.

4.0 In the result, the appeal is dismissed. No order as to costs.

(K. S. Jhaveri, J.)

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